

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 564 of 2013**

- D.P. Sharaf S/o Khatanand Sharaf Aged About 48 Years R/o Qut. No. E-22, 15 Block S.E.C.L. Colony, Korba C.G.

---- Petitioner**Versus**

1. B. Krishnamurti & Ors. S/o Aged About 38 Years Terotari Manager, Bhilai Depo, Bharat Petroleum Cor. Ltd. Bijali Nagar, Bhilai-3 Dist. Durg C.G.
2. S. Kargavkar S/o Ganpat Rao Aged About 36 Years Terotari Manager, Bhilai Depo, Bharat Petroleum Corpo. Ltd. Bijali Nagar, Bhilai-3, Dist. Durg C.G.

---- Respondents

Petitioner Shri D.P.Sharaf appears in person.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****09/08/2017**

1. Heard on admission.
2. This is a petition for restoration of the writ petition being W.P. No.5799/2006 (old No. W.P.(PR) No.3355/2006), which was dismissed on 12.10.2006 for non-compliance of the peremptory order dated 19.09.2006.
3. Upon perusal of the original writ petition, it is revealed as per office note dated 21.08.2006 that the defaults have already been removed by the petitioner and in fact a direction was given to the Office to proceed further for listing the case for orders on the petition having been drafted in Hindi as the same was not in consonance with the Chhattisgarh High Court Rules. The

matter was then listed on 19.09.2006. On the said date, a peremptory order was passed to the effect that the petitioner was directed to remove the default within a period of two weeks, failing which, the petition shall be dismissed without further reference to the Bench and accordingly, the said writ petition was treated as dismissed on 12.10.2006 for non-compliance of the said peremptory order dated 19.09.2006.

4. Having considered the facts and circumstances of the case, it appears that the petitioner, who appeared in person, could not inform the Court properly that there was, in fact, no default in the matter. Be that as it may, the petition was treated as dismissed on 12.10.2006 for non-compliance of the order dated 19.09.2006 and immediately thereafter, the instant restoration petition has been filed on 27.10.2006.

5. On due consideration of the contents made in the said petition, I hereby allow the present M.C.C. and direct for restoration of the said writ petition to be registered in its original number, i.e., W.P. No. 5799/2006. Sd/-

(Sanjay Agrawal)
Judge